

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION

Plaintiff,

v.

PIYUSH G. PATEL, DAVID J. KIRKPATRICK,
ERIC JAEGER, BRUCE D. KAY, ROBERT J.
GAGALIS, ROBERT G. BARBER, JR.,
LAWRENCE COLLINS, MICHAEL A.
SKUBISZ, JERRY A. SHANAHAN, HOR
CHONG (DAVID) BOEY,

Defendants

Civ. No. 01:07-00039-SM

**UNCONTESTED MOTION FOR ENTRY OF PERMANENT INJUNCTION
AGAINST ROBERT J. GAGALIS**

Plaintiff Securities and Exchange Commission (“SEC”) moves pursuant to Fed.R.Civ.P. 65 for entry of a permanent injunction against Defendant Robert J. Gagalis (“Gagalis”) enjoining him from violating the anti-fraud, periodic reporting, internal controls, and books and records provisions of the Securities Exchange Act of 1934 (“Exchange Act”) and rules adopted pursuant to the Exchange Act. As grounds for the motion, the SEC states the following facts.

The SEC alleges in its Complaint that Gagalis violated or aided and abetted violations of Sections 17(a) of the Securities Act of 1933 [15 U.S.C. §77q], 10(b), 13(a), 13(b)(2)(A), 13(b)(2)(B), and 13(b)(5) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. §§ 78j(b), 78m(a), 78m(b)(2)(A), 78m(b)(2)(B), and

78m(b)(5)] and Rules 10b-5, 12b-20, 13a-1, 13a-13, 13b2-1 and 13b2-2 thereunder [17 C.F.R. §§ 240.10b-5, 240.12b-20, 240.13a-1, 240.13a-13, 240.13b2-1 and 240.13b2-2].

Gagalis admits the court's jurisdiction and consents to the entry of the Order of Permanent Injunction in the attached Consent. Without admitting or denying the allegations of the Complaint, except to admit the Court's jurisdiction over him personally and over the subject matter of this action, Gagalis consents to entry of a permanent injunction enjoining him from violating the provisions listed in the Complaint. No disgorgement or civil penalties will be included. Gagalis waives findings of fact and conclusions of law.

Entry of the proposed order for permanent injunction, resolves all the issues in this case. There being no reason for delay, the SEC respectfully requests pursuant to Fed. R.Civ.P. 54(b) that a final judgment be entered.

Respectfully submitted, March 4, 2008.

/s/ Nancy J. Gegenheimer
Nancy J. Gegenheimer (Colo. 8981)

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CERTIFICATE OF SERVICE

I certify that on March 4, 2008, I sent a true copy of the foregoing **UNCONTESTED MOTION FOR ENTRY OF PERMANENT INJUNCTION AGAINST ROBERT J. GAGALIS** was served by electronically mailing it through the ECF system to the following persons:

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